

## Remarks

In the present response, sixteen claims (1 – 16) are canceled, and fourteen claims (17 – 30) are added. Claims 17 - 30 are presented for examination. Applicants believe that no new matter is entered.

### I. Claim Cancellation

In the present response, Applicants have canceled claims 1 – 16. Applicants reserve the right to present these canceled claims in a continuing application.

### II. Objection to Specification

The specification is objected to at page 11, lines 7 – 15. The Office Action indicates that the specification does not identify a methodology for distance calculation. Applicants respectfully traverse.

The specification teaches numerous examples for indicating and/or calculating accuracy in classification rendering. Below, Applicants provide some examples. These examples are merely illustrative and are not provided to limit the claims. The specification recites:

Figure 2 shows an accuracy evaluator 16 that determines an accuracy 18 of a classifier 12 according to the present teachings. The accuracy 18 indicates the relative distance between the categories selected by the classifier 12 for an item 10 and the categories selected for the item 10 by an authoritative classifier 14. (Page 6, lines 24 – 30).

...

Figure 3 shows a method for determining an accuracy measure based on the categories selected by the classifier 12 for the item 10 and the categories selected for the item 10 by an authoritative classifier 14. (Page 7, lines 22 – 26).

...

The accuracy 18 may be obtained by combining an over-conservativeness measure (OC) and an over-aggressiveness measure (OA). The over-conservativeness is the tendency of the classifier 12 to not put an item in enough classes or not put the item deep enough in the hierarchy given the attributes of the item. The over-aggressiveness is the tendency of the classifier 12 to put an item in more classes or in classes deeper in the hierarchy than is warranted by the attributes of the item. (Page 9, lines 25 – 32, and page 10, lines 1 – 2).

In one embodiment, the over-conservativeness measure equals the  $FN/(TP+FN)$  and the over-aggressiveness measure equals  $FP/(FP+TP)$ . The over-conservativeness and over-aggressiveness measures may be averaged as follows to obtain the accuracy 18 ....

The over-conservativeness and over-aggressiveness measures may be combined using a harmonic mean as follows ....

Alternatively, the over-conservativeness and over-aggressiveness measures may be combined as follows .... (Page 10, lines 4 – 16: exemplary equations removed).

Thus, the specification provides numerous examples (some examples even illustrated with mathematical formulas for providing numerical values) of methodologies for calculating accuracy.

### **III. Claim Rejections: 35 USC § 112**

Claims 1 – 16 are rejected under 35 USC 112, second paragraph, as being indefinite. These claims are canceled, and this rejection is now moot.

### **IV. Claim Rejections: 35 USC § 101**

Claims 1 – 16 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. These claims are canceled, and this rejection is now moot.

## **V. Claim Rejections: 35 USC § 102**

Claim 1 is rejected under 35 USC § 102 as being anticipated by Peele et al. (USPN 5,561,431, hereafter Peele). Claims 1 -16 are canceled, and this rejection is now moot.

## **VI. New Claims**

Applicants provide new claims 17 – 30. These claims are not anticipated by or obvious in view of Peele.

Claims 17 – 30 recite numerous limitations not taught or suggested in Peele. By way of example only, claims 17 and 29 recite assigning first, second, third, and fourth indications to each category in the hierarchy. Claim 30 recites assigning true and false indications and classifying the item to obtain first and second indications. Peele does not teach or suggest these limitations.

## CONCLUSION

In view of the above, Applicants believe claims 17 - 29 are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. (281) 514-8236, Facsimile No. (281) 514-8332. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,



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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26th day of July, 2004.

By   
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